GP 2514/A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Thomas Boone Pickens, III
Serial No.:   08/972,313   Group Art Unit: 2514
Filed: 11/18/97   Examiner:

For: **INTERNET ACCESS OF GOODS AND SERVICES USING GRAPHICAL CODES**

Assistant Commissioner of Patents
 and Trademarks
Washington, D.C.   20231

Dear Sir:
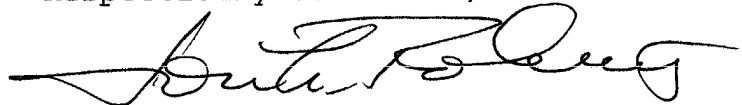
Enclosed please find the following:

1.   Petition to Make Special Under 37 C.F.R. §1.102(d);

2.   Declaration of Jon L. Roberts;

3.   Declaration Under 37 C.F.R. §§1.111(b)and (c) in Support
      of Petition to Make Special;

4.   One check in the amount of $130.00; and

5.   Certificate of Express mailing.

The Commissioner is hereby authorized to charge any fee
deficiency, or credit any overpayment, to Deposit Account No. 18-
1579. The Commissioner is also authorized to charge Deposit Account
No. 18-1579 for any future fees connected in any way to this
application.   Two copies of this letter are enclosed.

                              Respectfully submitted,

                              Jon L. Roberts, Esq.
                              Registration No. 31,293
                              Roberts & Brownell, LLC
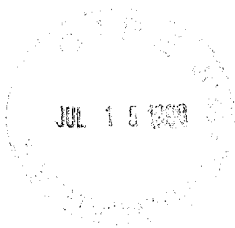   8381 Old Courthouse Road, Suite 212
                              Vienna, VA 22182-3818
                              (703) 356-7700

July 15, 1998   Atty. Docket No. 2281

EXPRESS MAILING CERTIFICATE

Express Mail Mailing Label Number _____ E1077055584US _____

Date of Deposit: _____ July 15, 1998 _____

I hereby certify that the Petition to Make Special for

patent application of Thomas Boone Pickens, III for **INTERNET**

ACCESS OF GOODS AND SERVICES USING GRAPHICAL CODES, Serial No.

08/972,313; along with Declaration of Jon L. Roberts and

Declaration in Support to Make Special and a check in the amount

of $130.00 are being deposited with the United States Postal

Service for "Express Mail" service under 37 C.F.R. § 1.10 on the

date indicated above and are addressed to the Assistant

Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Jon L. Roberts, Esq.
Registration No. 31,293
Roberts & Brownell, LLC
8381 Old Courthouse Road, Suite 212
Vienna, Virginia 22182-3818
(703)356-7700

July 15, 1998   Atty. Docket No. 2281

PETITION TO MAKE SPECIAL UNDER RULE 102(d)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of: The Code Corporation,)
assignee of Thomas B. Pickens, III's right,)
title, and interest in invention described)
in application herein for Letters Patent)
)
Application No.: 08/972,313) Group Art Unit: 2514
)
Filed: 11/18/97) Examiner: Not Yet Assigned
)
For: INTERNET ACCESS OF GOODS AND)
SERVICES USING GRAPHICAL CODES)
)

Commissioner of Patents and Trademarks
Washington, D.C. 20231

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)

Dear Sir:

This is a Petition to Make Special for the above-identified patent application. The

grounds and conditions for granting this application special status are found in MPEP 708.02

VIII. entitled "Special Examining Procedure for Certain New Applications — Accelerated

Examination."

The petition fee required pursuant to §1.17(i) is enclosed.

As provided for in MPEP 708.02 VIII, Applicant agrees to the special examining

procedure detailed therein. In support of this Petition, Applicant submits the Declaration of Jon

L. Roberts referring to:

   (a)   The results of a pre-examination search which was made in connection with the

         invention;

   (b)   Each of the references found upon search deemed most closely related to the

         subject matter encompassed by the claims, with copies thereof attached;

(c)   A detailed discussion of the references, which discussion points out, with the particularity required by 37 C.F.R. §§1.111(b) and (c), how the claimed subject matter is distinguishable over the references; and

(d)   The agreement of the Applicant to limit the examination of this application to one invention.

Accordingly, Applicant requests that this Petition to Make Special be granted and the application undergo accelerated examination.

Respectfully submitted,

Jon L. Roberts, Esq.
Attorney for Applicant
Reg. No. 31,293
Roberts & Brownell, LLC
8381 Old Courthouse Road
Suite 212
Vienna, Virginia 22182

Date: 7/15/98

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DECLARATION UNDER 37 C.F.R. §§ 1.111(b) and (c)
IN SUPPORT OF PETITION TO MAKE SPECIAL UNDER RULE 102(d)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:	Application of: The Code Corporation,	)	
	assignee of Thomas B. Pickens, III's right,	)	
	title, and interest in invention described	)	
	in application herein for Letters Patent	)	
		)	
Application No.: 08/972,313		)	Group Art Unit: 2514
		)	
Filed: 11/18/97		)	Examiner: Not Yet Assigned
		)	
For:	INTERNET ACCESS OF GOODS AND	)	
	SERVICES USING GRAPHICAL CODES	)	
		)	

Commissioner of Patents and Trademarks
Washington, D.C. 20231

DECLARATION UNDER 37 C.F.R. §§ 1.111(b) and (c)
IN SUPPORT OF PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)

Following is an explanation and differentiation of those background art references

deemed most relevant to the prosecution of this application and to this Petition to Make Special.

These references have been provided in this submission.

Patent No. 5,047,614 was issued to Bianco for a "Method and Apparatus for Computer

Aided Shopping." This system provides for a series of bar codes associated with products

(groceries) to be purchased by consumer, which are listed in a catalog. The user then scans the

bar codes in the catalog to arrive at a grocery shopping list. This information is then stored on a

card having storage means, and subsequently read by a store terminal. This terminal, in turn,

creates a printed shopping list which is transmitted to a warehouse for automated order picking.

Additionally the memory may be read by the stored terminal over a telephone line via a modem.

In contrast to Bianco, the present convention provides for Internet addresses to be read

from a graphical code, which might include a bar code, which in turn is either stored or read into

a personal computer for subsequent access to the Internet. Thus while Bianco deals with shopping, there is no subsequent network access for obtaining additional data or information as in the present invention. Additionally, there is no requirement for a special token to store information as in Bianco.

Patent No. 5,493,105 was issued to Desai for an "Electronic Business Card System." This invention relates to an electronic business card on which is stored computer readable information. Thus a special token is required. The invention comprises a portable electronic business card reader with card management software together with an electronic business card. The electronic business card contains storage means on which conventional information such as name, address, etc. is stored. The invention notes that the electronic business card system can be utilized with and read by a computer to provide more complex database functions. This invention also allows for a telephone number to be stored on the business card and subsequently automatically dialed by a computer it reads that business card. Thus some access to a telephone network is also required.

In contrast to Desai, the present invention does not require a token of any kind having electronic data stored thereon nor is access to a telephone network required. Thus while a computer can derive the telephone number from the electronic data stored on the card, there is no provision for obtaining encoded data by the invention of Desai. In contrast the present invention obtains address information from encoded information on media of many types and automatically feeds that information to a computer for access to the Internet where information of interest can be obtained. Dasai does not anticipate the Internet access functionality of the present invention.

Patent No. 5,604,640 was issued to Zipf et al. for a "Business Card Scanner and Method of Use." This system allows for business cards to be scanned and information contained on the business card to be subsequently stored in electronic format. The invention provides for bar coding of information on the business card which can be subsequently scanned to obtain the information that is contained thereon. The invention also provides for a light pen which is also typically used for scanning bar codes. There is no provision in this invention for subsequent access to any other network.

In contrast to the Zipf invention, the present invention specifically anticipates accessing information which is not stored locally but which is stored on various Web sites to be accessed by the user. Zipf stores information locally for user access. The present invention anticipates access to information which is remote from the user. Additionally, where Zipf uses a light pen to obtain information stored on the business card, the present invention uses a scanner to obtain in Internet address to allow access to a network and for subsequent accessed to a WebSite of interest. Thus the key aspect of the present invention, Internet access, is nowhere discussed by Zipf.

Patent No. 5, 483,052 to Smith et al. was issued for a "System for Reading, Storing and Using Bar Encoded Data From a Coded Business Card or Other Printed Material. This invention provides for using a light pan or other suitable scanner to obtain information from a business card based upon or coded information on the face of the business card. This information is then input to a personal computer so that the data can be accessed on-screen. This system also notes that such bar coded information might exist in a magazine or other media. The goal of this invention is to store information without the need for manual input of that information to a

computer system. The invention makes no mention of subsequent accessed to another database or network.

In contrast to Smith, the present invention is designed to access the Internet based upon scanning graphically encoded information. This subsequent access to another network is not mentioned or anticipated by the technology of Smith. Thus while both inventions have the goal of inputting information to a computer without manual input, the present invention takes the process to a more sophisticated level for access to the Internet, a function not anticipated by Smith.

Patent No. 5,465,291 to Barrus et al. was issued for an "Apparatus for Ordering From Remote Locations." This invention relates to the purchase of goods and services by scanning a bar code relating to the goods and services desired and subsequently transmitting that information to the store or commercial vendor that is to provide the goods or services. Thus the Barrus invention is a low-cost ordering terminal comprising a bar code reader which reads information that is in the possession of the user. DTMF tones are generated by this scanning which are then transmitted over a telephone line to a merchant which decodes that information and fulfills the order. The Barrus invention provides for telephone interface only and does not anticipate connection to a computer system.

In contrast to Barrus, the present invention is specifically designed to be connected to a personal computer and to subsequently access the Internet for receiving information from a particular WebSite. While the WebSite address is encoded on a particular media, there is no requirement for a catalog to be specifically printed for the purpose. In fact, the present invention anticipates that some form of graphical code will be incorporated into normal advertising created by any particular merchant or service provider. Thus, in contrast to Barris, a telephone system is

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not use, but rather, a personal computer is the vehicle by which accessed to a merchant or servers provider is accomplished. DTMF tones are not generated or used in any way with the present invention. Thus any DTMF tone generation is not required.

Other references cited in the information disclosure statement relate to various types of graphical encoding and reading of or encoding information for such purposes as coupon redemption and for storing enhanced amounts of information in a graphical code. These other references are not as relevant as those discussed above since they do not relate to either the total system as described in the present invention or they simply relate to an enhanced methodology for storing data in a graphical code format.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date:___7/15/98___   _____
                                          Jon L. Roberts, Esq.
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                                          Reg. No. 31,293
                                          Roberts & Brownell, LLC
                                          8381 Old Courthouse Road, Suite 212
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